

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Christy Dianne Orie f/k/a Christy Dianne Morris
f/k/a Christy Dianne Lanham f/k/a Christy Dianne
Spurlock

Debtor(s)

Mortgage Solutions of Colorado, LLC dba Mortgage
Solutions Financial, its successors and/or assigns

Movant

v.

Christy Dianne Orie f/k/a Christy Dianne Morris f/k/a
Christy Dianne Lanham f/k/a Christy Dianne Spurlock

Respondent

And

Kenneth D. Orie
Ronda J. Winnecour, Trustee

Additional Respondents

BK. NO. 21-70063 JAD

CHAPTER 13

MOTION NO.

FILED UNDER LOCAL BANKRUPTCY
RULE 9013.4 SECTION 6(a)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY & CO-DEBTOR STAY

/s/ Brian C. Nicholas

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Date: March 6, 2023

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BK. NO. 21-70063 JAD

CHAPTER 13

MOTION NO.
FILED UNDER LOCAL BANKRUPTCY
RULE 9013.4 SECTION 6

**MOTION OF Mortgage Solutions of Colorado, LLC dba Mortgage Solutions Financial, ITS
SUCCESSORS AND/OR ASSIGNS
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is Mortgage Solutions of Colorado, LLC dba Mortgage Solutions Financial, its successors and/or assigns.

2. Debtor(s), Christy Dianne Orie f/k/a Christy Dianne Morris f/k/a Christy Dianne Lanham f/k/a Christy Dianne Spurlock and Kenneth D. Orie, co-debtor the owner(s) of the premises located at 246 Collegiate Drive, Johnstown, PA 15904, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$289,951.00 on the mortgaged premises that was executed on July 9, 2020. The Mortgage has been assigned as follows:

Mortgage Electronic Registration Systems, Inc. ("MERS"), As Mortgagee, As Nominee for Mortgage Solutions of Colorado, LLC, Its Successors and Assigns to Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial recorded on March 22, 2021 at Instrument Number 2021-00003098.

4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.

5. The payoff amount due on the mortgage is \$282,674.17.

6. Debtor(s) is/are currently delinquent in payments to the Chapter 13 Trustee in the amount of \$8,613.19.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount of post-petition arrearage is \$5,848.91. A total of \$42,977.30 has come due to movant from the date of filing, and the Chapter 13 Trustee has disbursed \$37,128.39 to movant for post-petition payments.

9. The total amount of pre-petition arrearage is \$5,225.66.

10. The fair market value of the premises is \$300,000.00.

11. The Senior Lien Holders on the premises are none.

12. The Junior Lien Holders on the premises are none.

13. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.

14. Debtor(s) has/have no or inconsequential equity in the premises.

15. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

16. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: March 6, 2023

/s/ Brian C. Nicholas
Brian C. Nicholas, Esquire
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